

House Bill 1330 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 149th and Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create the Lower Chattahoochee Regional Airport Authority, approved
2 May 5, 2006 (Ga. L. 2006, p. 4422), so as to remove Calhoun County from membership in
3 such authority; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 An Act to create the Lower Chattahoochee Regional Airport Authority, approved May 5,
7 2006 (Ga. L. 2006, p. 4422), is amended by revising Section 2 as follows:

8 "SECTION 2.

9 Legislative findings.

10 The General Assembly determines and finds that there is a present and projected growth in
11 commercial and private air traffic in the area of Clay, Quitman, and Randolph Counties.
12 There is the need for adequate airports safely and efficiently to serve the air transportation
13 needs of this state and Clay, Quitman, and Randolph Counties, the need to eliminate airport
14 hazards, and the need to raise capital for the establishment, operation, and maintenance of
15 present and future airports. The General Assembly further determines and finds that the
16 establishment of an authority is necessary and essential to ensure the welfare, safety, and
17 convenience of citizens of the region and the entire state and to ensure the proper economic
18 development of the region and the entire state."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 3 as follows:

"SECTION 3.

Lower Chattahoochee Regional Airport Authority.

(a) There is created a body corporate and politic, to be known as the 'Lower Chattahoochee Regional Airport Authority,' which shall be deemed to be a political subdivision of the State of Georgia and a public corporation and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and bring and defend actions in all courts. The authority shall have perpetual existence.

(b) The authority shall consist of seven members who shall be residents of Clay, Quitman, and Randolph Counties. Two of the members shall be appointed by the governing authority of Clay County for terms of office of four years each. Two of the members shall be appointed by the governing authority of Quitman County for terms of office of four years each. Two of the members shall be appointed by the governing authority of Randolph County for terms of office of four years each. The six members so appointed shall appoint a seventh member, who may be a resident of either Clay, Quitman, or Randolph County, for a term of office of four years. Members of the authority shall serve the terms specified and until their respective successors are appointed and qualified; provided, however, that any member of the authority may be removed at any time by the governing authority which appointed such member, with or without cause. Any member of the authority may be selected and appointed to succeed himself or herself. After such appointment, the members of such authority shall enter upon their duties. Any vacancy on the authority shall be filled in the same manner as was the original appointment of the member whose term of membership resulted in such vacancy and the person so selected and appointed shall serve for the remainder of the unexpired term. The members of the authority shall be reimbursed for all actual expenses incurred in the performance of their duties out of funds of the authority. The authority shall make rules and regulations for its own government. It shall have perpetual existence.

(c) To be eligible for appointment as a member of the authority, a person shall satisfy the requirements of Code Section 45-2-1 of the O.C.G.A.

(d) The members of the authority shall in April of each year elect one of their number as chairperson. Also, the members of the authority shall elect one of their number as vice chairperson, shall also elect one of their number as secretary, and may also elect one of their number as treasurer. The secretary may also serve as treasurer. Each of such officers shall serve for a period of one year and until their successors are duly elected and qualified. The chairperson of the authority shall be entitled to vote upon any issue, motion, or resolution.

(e) A majority of the members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all of the rights and perform all of the duties of the authority.

(f) A vacancy on the authority shall exist in the office of any member of the authority who is convicted of a felony or who enters a plea of nolo contendere thereto; who is convicted of a crime involving moral turpitude or who enters a plea of nolo contendere thereto; who moves such person's residence from Clay, Quitman, or Randolph County; who is convicted of any act of misfeasance, malfeasance, or nonfeasance of such person's duties as a member of the authority; or who fails to attend any regular or special meeting of the authority for a period of three months without an excuse approved by a resolution of the authority.

(g) All meetings of the authority, regular or special, shall be open to the public. The authority may hold public hearings on its own initiative or at the request of residents of Clay, Quitman, or Randolph County or residents of any area affected by the actions of the authority.

(h) No member or employee of the authority shall have, directly or indirectly, any financial interest, profit, or benefit in any contract, work, or business of the authority nor in the sale, lease, or purchase of any property to or from the authority."

SECTION 3.

Said Act is further amended by revising paragraph (1) of subsection (a) of Section 4 as follows:

"(1) 'Airport' means any area of land or structure which is or has been used or which the authority may plan to use for the landing and taking off of commercial, private, and military aircraft, including helicopters; all buildings, equipment, facilities, or other property and improvements of any kind or nature located within the bounds of any such land area or structure which are or have been used or which the authority may plan to use for terminal facilities; all facilities of any type for the accommodation of passengers, maintenance, servicing, and operation of aircraft, business offices and facilities of private businesses and governmental agencies, and the parking of automobiles; and all other activities which are or have been carried on or which may be necessary or convenient in conjunction with the landing and taking off of commercial, private, and military aircraft including all land originally acquired by Clay, Quitman, or Randolph County for the establishment of an airport, and any land to be deeded to Clay, Quitman, or Randolph County for airport use, including, without limitation, aviation easements, and other real or personal property."

SECTION 4.

Said Act is further amended by revising Section 15 as follows:

"SECTION 15.

Credit not pledged.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Clay, Quitman, or Randolph County nor a pledge of the faith and credit of any of said counties; but such bonds shall be payable solely from the fund provided for in this Act and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said counties to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. All such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section."

SECTION 5.

Said Act is further amended by revising Section 28 as follows:

"SECTION 28.

Tort immunity.

The authority shall have the same immunity and exemption from liability for torts and negligence as Clay, Quitman, or Randolph County; and the officers, agents, and employees of the authority, when in the performance of the work of the authority, shall have the same immunity and exemption from liability for torts and negligence as the officers, agents, and employees of Clay, Quitman, or Randolph County as when in the performance of their public duties or work of such county."

SECTION 6.

Said Act is further amended by revising Section 30 as follows:

"SECTION 30.

Effect on other governments.

This Act shall not and does not in any way take from Clay, Quitman, or Randolph County or any municipality located in any such county or any adjoining county the authority to own, operate, and maintain projects or to issue revenue bonds as is provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond Law.'"

118

SECTION 7.

119 All laws and parts of laws in conflict with this Act are repealed.